

BOA 2018
TOWN OF WESTFIELD
APPLICATION

45 days
review 6/27/20
no day decision
date is 12/2/20

I. Identification:

This appeal is from (applicant's name) Daniel Brownstein

street address 400 BIRCH PLACE telephone 973-580-2361

e-mail DBrownstein5@gmail.com fax _____

for property in Westfield, NJ located at (street address) 400 BIRCH PLACE

II. To: (check one)

☐ Planning Board

☒ Board of Adjustment

Board Secretary: Ms. Linda Jacus

908-789-4100 extension 4602

Both Boards: 959 North Avenue West, Westfield, NJ 07090:

FAX 908-789-4113

III. For a Hearing For: (Check all applicable)

Specific Applicable Sections of the Westfield L.U.O. for:

Submission Requirements Checklists

Procedures

- | | | |
|--|--------------------------------|---|
| <input checked="" type="checkbox"/> *C variances | 4.03A, 9.02, 9.03, 9.11 | 4.04, 7.01C, 7.01D,
8.03, 8.04, 8.06, 8.13, 8.14 |
| <input checked="" type="checkbox"/> *D variances | 4.03A, 9.02, 9.03, 9.11 | 4.04, 7.01C, 7.01D,
8.03, 8.04, 8.06, 8.13, 8.14 |
| <input type="checkbox"/> Conceptual Site
Plans & Subdivisions | 9.04 | 8.07 |
| <input type="checkbox"/> Minor Site Plan | 9.02, 9.03, 9.08 | 8.06, 8.08, 8.13, 8.14, 8.23 |
| <input type="checkbox"/> *Preliminary Major Site Plan | 4.03C, 9.02, 9.03, 9.09 | 4.04, 8.04, 8.06, 8.10,
8.13, 8.14, 8.19, 8.23 |
| <input type="checkbox"/> Final Major Site Plan | 9.02, 9.03, 9.10 | 8.06, 8.11 |
| <input type="checkbox"/> Minor Subdivision | 9.02, 9.03, 9.05 | 8.01, 8.06, 8.09, 8.13,
8.14, 8.23 |
| <input type="checkbox"/> *Preliminary Major Subdivision | 4.03D, 9.02, 9.03, 9.06 | 4.04, 8.01, 8.04, 8.06, 8.10,
8.13, 8.14, 8.19, 8.23 |
| <input type="checkbox"/> Final Major Subdivision | 9.02, 9.03, 9.07 | 8.06, 8.11 |
| <input type="checkbox"/> **Conditional Use | 9.02, 9.03 | 4.04, 8.06, 8.13, 8.14 |
| <input type="checkbox"/> *Structure in street, drainage way,
flood basin, reserved area | 4.03F, 7.01E2 | 4.04, 7.01E, 8.04,
8.06, 8.13, 8.14 |
| <input type="checkbox"/> *Structure on lot not abutting street | 7.01F2 | 4.04, 7.01F, 8.04,
8.06, 8.13, 8.14 |
| <input type="checkbox"/> *Board of Adjustment "a" appeal/
administrative officer error | 7.02B2 & 3 | 7.02A & B, 8.04, 8.06, 8.13, 8.14 |
| <input type="checkbox"/> *Board of Adjustment "b" appeal/
interpretation ordinance/map | 4.03B, 7.02C1 & 2 & 3 | 4.04, 7.02A & C,
8.04, 8.06, 8.13, 8.14 |
| <input type="checkbox"/> Residential cluster | 9.02, 9.03, 9.06, 8.12, 11.03F | 8.13, 8.14 |

*Public noticing is required pursuant to Section 4.03 & 4.04 ** A major site plan review is also required with a conditional use application

IV. Application Description: Briefly describe the nature and scope of this application, including proposed uses and improvements. All subdivision appeals must state the present and proposed number of lots.

THERE WILL BE A 2-STORY ADDITION ON REAR OF HOUSE BUILT OVER A NEW BASEMENT W/ 2-CAR GARAGE. THE FIRST FLOOR WILL EXPAND EAT-IN KITCHEN AND FAMILY ROOM. THE SECOND FLOOR WILL ADD A BEDROOM, BATHROOM AND LAUNDRY ROOM. THE EXISTING MASTER BEDROOM SUITE WILL BE EXPANDED. THE EXISTING SIDE PORCH WILL BE REMODELED TO BE A DECK.

V. Reasons: Briefly summarize the reasons why you believe this appeal should be granted.

THE PROPERTY IS A CORNER LOT WITH A WIDE GRASS AREA BELONGING TO TOWN ALONG FOREST AVENUE THAT IS APPROXIMATELY 2,100 SQUARE FEET. THE PERCEPTION TO THE NEIGHBORS IS THIS CORNER LOT IS LARGER THAN IT SEEMS WHICH MAKES TO ADDITIONS APPEAR SMALLER IN COMPARISON.

VI. Property Description: Please provide the following information about the property, which is the subject of this appeal.

• Enclose a scaleable (full size) copy of a location survey of the property; showing the surveyors name and license number, and date of survey, if this information is not otherwise provided on a site plan or subdivision plat. Survey can be no more than 2 years old.

• Street address 400 BIRCH PLACE
Zone district RS-8 Block No. 901 Lot No. 19

• Dimensions of lot 57' x 144' Area of lot 7,990 sq. ft.

• Use of premises present SINGLE FAMILY RESIDENCE
proposed SINGLE FAMILY RESIDENCE

The proposed use is: ☒ permitted by ordinance ☐ a conditional use which has been granted by the Planning Board or Zoning Board of Adjustment
☐ a use permitted by variance ☐ a nonconforming (i.e. "grandfathered") use ☐ not a permitted use

Name of Owner _____ Telephone No. _____
Street address of Owner _____ Fax No. _____

• Does the above owner also own any property that abuts the subject property?

☒ No ☐ Yes If yes, address: _____

If yes, is the abutting property subject to the Loechner-Campoli rule of merger? ☐ No ☐ Yes (If you don't know, check with the Tax Assessor in the Municipal Building.)

• Are there any present deed restriction(s) which affect this property? ☒ No ☐ Yes If yes, attach copy of deed, including language of restriction(s).

• Are there any pending proceedings, concerning the property which is the subject of this application, before any federal, state, or local board of authority? ☒ No ☐ Yes If yes, list here and attach a brief description of each.

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5/12/20

VII. Attorney Identification: Private individuals, or sole proprietors may represent themselves (i.e. present the application) before the Board. All other categories of applicants must be represented by an attorney. (reference: 1998 Cox - pages 477 & 478)

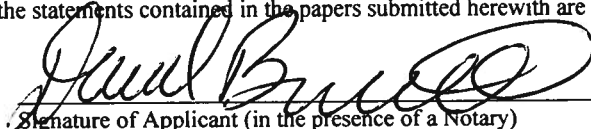
If applicant (or owner) is to be represented by an attorney, please furnish the following information:

Attorney's name _____ Telephone No. _____
Attorney's firm _____ Fax. No. _____
Street address _____

VIII. Notarization:

I/We, the undersigned applicant(s) do hereby grant permission for the members of the Planning Board, and the Zoning Board of Adjustment, their Attorney and the Zoning Officer of the Town of Westfield, NJ to enter upon the property which is the subject of this application, during all daylight hours during the pendency of this application. Permission to enter structures will be given for a mutually agreeable time.

I hereby depose and say that all the above statements and the statements contained in the papers submitted herewith are true and correct.


Signature of Applicant (in the presence of a Notary)

Print Name : Daniel Brownstein

Address: 400 BIRCH PLACE
WESTFIELD, NJ 07090

Home phone 973-580-2361

Business phone _____

Sworn and Subscribed to
before me this _____
day of _____, 20 _____

Notary Public

IX. Do not write in the following spaces:

TO BE COMPLETED BY THE ZONING OFFICER:

- To the best of my knowledge and belief, this application is complete and correct.
- This application is currently the subject of a:
 - _____ Zoning violation notice, No. _____, copy enclosed.
 - _____ Municipal Court complaint, docket No. _____, copy enclosed.
 - _____ Other pending action, (describe) _____
 - _____ None of the above

Signature

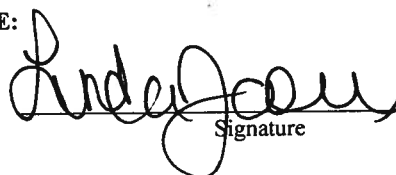
TO BE COMPLETED BY THE BOARD SECRETARY:

Has there been any previous appeals(s) involving these premises?
☒ No ☐ Yes If yes, attach copies of resolution(s)

TO BE COMPLETED BY THE COMPLETENESS DESIGNEE:

Application accepted as complete on

8/14/20


Signature

RECEIVED
5/12/20

TOWN OF WESTFIELD

LIST OF EXISTING NON-CONFORMING ZONING CONDITIONS

Section 7.01B Review of existing non-conforming conditions in connection with applications for variances or for the direction of the issuance of certain permits.

In reviewing applications for variances or for the direction of the issuance of certain permits, the Board shall determine whether any existing non-conforming conditions involving the subject property will exacerbate, intensify, alter, affect or in some way result in a significant impact on the proposed use, structure or land. If the Board finds that no substantial impact or detriment will result, the Board shall so state in its findings of fact in the resolution for the application, without the need for such existing non-conforming conditions to meet the criteria established by N.J.S.A. 40:55D-34, 36, 51a, 51b, 70c and 70d and this ordinance for variances or exceptions. If the Board finds that substantial impacts or detriments will result, however, the application shall not be approved unless and until the applicant agrees to mitigate or eliminate such impacts or detriments to the maximum extent feasible.

The above shall not be construed to alter the review procedures not the criteria for granting variances or exceptions for violations proposed by the development or existing illegally on the subject property.

Note: This list must be consistent with the Variance Table, if otherwise required.

1.	Section:	Nature of Deficiency:
	Permitted:	Present:
		Proposed:
2.	Section:	Nature of Deficiency:
	Permitted:	Present:
		Proposed:
3.	Section:	Nature of Deficiency:
	Permitted:	Present:
		Proposed:
4.	Section:	Nature of Deficiency:
	Permitted:	Present:
		Proposed:
5.	Section:	Nature of Deficiency:
	Permitted:	Present:
		Proposed:
6.	Section:	Nature of Deficiency:
	Permitted:	Present:
		Proposed:

5/12/20

TOWN OF WESTFIELD

LIST OF NEW C.40:55D-70 c AND d VARIANCES REQUESTED

SECTION 9.02: GENERAL REQUIREMENTS; SUPPORTING DOCUMENTATION

In addition to the submission requirements for the individual categories of applications in the following sections, all categories of applications, except for conceptual site plans and conceptual subdivisions, shall be required to submit a statement indicating all of the provisions of the Land Use Ordinance from which a waiver or variance is sought.

Note: This list must be consistent with the Variance Table, if otherwise required.

1.	Section: 11.08 E-5	Nature of Deficiency: CORNER LOT SIDE YARD SETBACK	
	Permitted: 20	Present: 6.98'	Proposed: 10.6'
2.	Section: 12.04 F-1	Nature of Deficiency: MAXIMUM BUILDING COVERAGE	
	Permitted: 20%	Present: 16%	Proposed: 21.88%
3.	Section: 12.04 E-1	Nature of Deficiency: MAXIMUM F.A.R.	
	Permitted: 37%	Present: 26.36%	Proposed: 37.3%
4.	Section: 11.08 E-12	Nature of Deficiency: MAXIMUM EAVE HEIGHT	
	Permitted: 22'	Present: 26.4"	Proposed: 26.4"
5.	Section: 12.08 C	Nature of Deficiency: MAXIMUM HEIGHT OF RETAINING WALLS	
	Permitted: 4'-0'	Present: 24"	Proposed: 6'-7" + 36" RAILING = 9'-7"
6.	Section:	Nature of Deficiency:	
	Permitted:	Present:	Proposed:
7.	Section:	Nature of Deficiency:	
	Permitted:	Present:	Proposed:
8.	Section:	Nature of Deficiency:	
	Permitted:	Present:	Proposed:

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TOWN OF WESTFIELD

REQUIREMENTS AND VARIANCES SUMMARY TABLE PER SECTION 911 B.7.

THIS TABLE MUST BE INCLUDED WITH ALL APPLICATIONS FOR "C" AND "D" VARIANCES, AND MUST BE SHOWN ON ALL REQUIRED SITE PLANS, SUBDIVISION PLANS, AND PLOT PLANS

The below regulations are for all RS, RM and P zones applications. All RA, O, CBD and GB zone applications use the "Bulk and Lot Regulations" for the zone.

ZONE:

APPLICANT:

STREET ADDRESS:

REG. NO.	REGULATION	UNITS	PROPOSED		
			REQUIRED	USE SEPARATE COLUMN FOR EACH LOT	VARIANCE?*
				LOT No.	VARIANCE?*
11.08E-1	Minimum gross area	sq. ft.	8,400	7,990	EXST.
11.08E-2	Minimum area within first 120 ft. of depth	ft.	8,400	9,720	EXST.
11.08E-2	Minimum width	ft.	70	57.23	EXST.
11.08E-3	Minimum frontage	ft.	70	57.23	EXST.
11.08E-4	Minimum depth	ft.	120	144.33	NO
11.08E-5	Minimum front yard (per Sections 12.03C & D & E)	ft.	31'4"	31'4"	EXST.
11.08E-6	Minimum Sideyard	ft.	10	61.2	EXST.
11.08E-5	"	ft.	20	102"	YES
11.08E-7	Minimum rear yard	ft.	35	61.6	NO
12.04P-1	Maximum building coverage (without deck)	%	20	21.88	YES
12.04P-2	Maximum building coverage (with deck)	%	22	N/A.	NO
12.04E-1	Maximum FAR or total habitable floor area	%	37	37.3	YES
11.08E-8	Maximum building height	ft.	32	31.0	NO
12.04Q-1	Maximum all improvements coverage	%	50	32.42	NO
11.08E-12	Other: MAXIMUM EXIST. HEIGHT	ft.	22	26.4	YES
11.08E-13	Other: MAX. BLOCK MASS & SIDE YD	ft.	25	23.9	NO
11.08E-14	Other: MINIMUM GARAGE SPACE	ft.	1	2	NO
12.08C	Other: RETAINING WALLS	ft.	4	6-7+30	YES
	Other:				
	Other:				
	Other:				
	Other:				
	Other:				

NOTE: This table must be consistent with the two variance lists, if they are included in the application.

* Single star all variances which are new variances; i.e. are not pre-existing, non-conforming conditions which will continue.

**TOWN OF WESTFIELD
UNION COUNTY NEW JERSEY**

AFFIDAVIT OF OWNERSHIP

I, Daniel Brownstein, of full age, being duly sworn
(Print Name)

according to law, do hereby certify that I am the (check one) owner or duly authorized officer of the owner (as listed on the application form), of the following property which is the subject of the within application to the Westfield Planning Board or Zoning Board of Adjustment:

Block & Lot (s) 901, 19

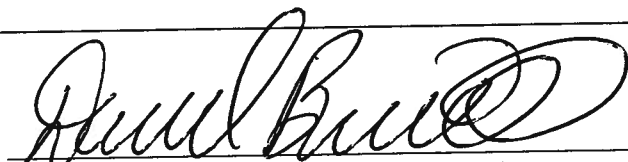
Street Address(es) 400 BIRCH PLACE

Check one:

1. ☒ As the owner (or officer of), I am the Applicant in the within application.
2. ☐ As the owner (or officer of), I am not the Applicant. I certify that I have reviewed and consent to the within application and that the information contained herein is true and correct to the best of my knowledge. I authorize the following entity/individual to act as the Applicant in making this application:

a. Authorized Individual/Entity: _____

b. Authorized Individual/Entity Interest in Property (i.e., Tenant, Contract Purchaser): _____


(Signature of Owner/Officer of Owner)

Sworn and subscribed to
before me on this _____
day of _____, 20____.

Notary Public

Notes Exist

Qualifier:

Owner: BRONSTEIN, DANIEL & MAYA

Prop Loc: 400 BIRCH PL

Account Id: 00001289

Tax Bill

PTR Form

Restricted Font

General	Assessed Value	Billed	Principal Balance	Deductions	Balance	Interest	All Charges	Add/Omit	Notes
Year	Qtr	Type							
2020	2		4,529.51		4,529.51	.00		4,529.51	
2020	1		4,529.52		.00	.00		.00	
2020		Total	9,059.03		4,529.51	.00		4,529.51	
2019	4		5,388.60		.00	.00		.00	
2019	3		5,380.17		.00	.00		.00	
2019	2		3,674.64		.00	.00		.00	
2019	1		3,674.64		.00	.00		.00	
2019		Total	18,118.05		.00	.00		.00	
2018	4		3,694.80		.00	.00		.00	
2018	3		3,694.80		.00	.00		.00	
2018	2		3,654.48		.00	.00		.00	
2018	1		3,654.49		.00	.00		.00	
2018		Total	14,698.56		.00	.00		.00	
2017	4		3,740.25		.00	.00		.00	
2017	3		3,740.25		.00	.00		.00	
2017	2		3,568.71		.00	.00		.00	
2017	1		3,568.72		.00	.00		.00	
2017		Total	14,617.93		.00	.00		.00	
2016	4		4,427.94	*	.00	.00		.00	
2016	3		3,418.10		.00	.00		.00	
2016	2		3,285.19		.00	.00		.00	
2016	1		3,285.20		.00	.00		.00	
2016		Total	14,416.43		.00	.00		.00	

Other Delinquent Balances: .00 Interest Date: 04/13/20

Other APR2 Threshold Amt: .00 Per Diem: .0000 Last Payment Date: 02/05/2020

TOTAL TAX BALANCE DUE

Principal: .00 Penalty: .00

CERTIFICATION
NEXT TAX DUE 5/11/20
TAXES PAID UP TO DATE
ANY QUESTIONS, CALL 808-789-4051

TAX COLLECTOR *[Signature]*

5/12/20

OWNER & ADDRESS REPORT

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WESTFIELD

400 BIRCH PL

BLOCK	LOT	QUAL	CLA	PROPERTY OWNER	PROPERTY LOCATION	Add'l Lots
811	1		15C	TOWN OF WESTFIELD 425 E BROAD ST WESTFIELD NJ 07090	EDGEWOOD PARKWAY	
812	1		2	LEONG, WILLIAM W & FINA LIOTTA 342 EDGEWOOD AVE WESTFIELD, N J 07090	342 EDGEWOOD AVE	
813	19		2	PROVOST, JOHN & KRISTIN 621 FOREST AVE WESTFIELD, NJ 07090	621 FOREST AVE	
901	14		2	SAMPSON, WILLIAM H 419 EDGEWOOD AVE WESTFIELD, N J 07090	419 EDGEWOOD AVE	
901	15		2	JOHNSON, JAMES B & TERRI L 415 EDGEWOOD AVE WESTFIELD, NJ 07090	415 EDGEWOOD AVE	
901	16		2	GABRIEL, JONATHAN & TELESKO, K 411 EDGEWOOD AVE WESTFIELD, N J 07090	411 EDGEWOOD AVE	
901	17		2	CHAN, EDWARD 405 EDGEWOOD AVE WESTFIELD, N J 07090	405 EDGEWOOD AVE	
901	18		2	RYAN, CHRISTOPHER & MARYALICE 545 FOREST AVE WESTFIELD, NJ 07090	545 FOREST AVE	
901	19		2	BROWNSTEIN, DANIEL & MAYA 400 BIRCH PL WESTFIELD, NJ 07090	400 BIRCH PL	
901	20		2	FITZPATRICK, WILLIAM P & MARY P 408 BIRCH PL WESTFIELD, NJ 07090	408 BIRCH PL	
901	21		2	VACCHIANO, ROBERT P & SHARI L 414 BIRCH PL WESTFIELD, NJ 07090	414 BIRCH PL	
901	22		2	CATANZARO, PATRICIA H 88 LAFAYETTE AVENUE PARK RIDGE, NJ 07656	420 BIRCH PL	
901	23		2	KANE, WILLIAM S & COLEEN A 426 BIRCH PL WESTFIELD, NJ 07090	426 BIRCH PL	
902	3		2	HOFFMAN, THOMAS & J S MARCINIAK 518 FOREST AVE WESTFIELD, NJ 07090	518 FOREST AVE	
902	4		2	LEEGAN, JOSEPH & MARYELLEN 522 FOREST AVE WESTFIELD, N J 07090	522 FOREST AVE	
902	5 01		2	JECKELL, BARRY & JILL 526 FOREST AVE WESTFIELD, NJ 07090	526 FOREST AVE	
902	6 01		2	BENACCHIO, ROBERT H & MICHELE L 528 FOREST AVE WESTFIELD, NJ 07090	528 FOREST AVE	
902	7 01		2	METHASANI, EDMOND & SUZANA 536 FOREST AVE WESTFIELD, NJ 07090	536 FOREST AVE	
902	8 01		2	LUCHSINGER, JAMES & MARTHA P 544 FOREST AVE WESTFIELD, NJ 07090	544 FOREST AVE	

OWNER & ADDRESS REPORT

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WESTFIELD

400 BIRCH PL

BLOCK	LOT	QUAL	CLA	PROPERTY OWNER	PROPERTY LOCATION	Add'l Lots
902	13		2	ORR, SCOTT P & MAK, CARMEN 523 COLEMAN PL WESTFIELD, NJ 07090	523 COLEMAN PL	
907	6		2	MATTES, RAYMOND & SUSAN 423 BIRCH PL WESTFIELD, N J 07090	423 BIRCH PL	
907	7		2	SHANDER, BENJAMIN & VALERIE 419 BIRCH PL WESTFIELD, NJ 07090	419 BIRCH PL	
907	8		2	QUINN, BRIAN & RARITA 415 BIRCH PL WESTFIELD, NJ 07090	415 BIRCH PL	
907	9		2	KIELY, PETER & TARA J 407 BIRCH PLACE WESTFIELD, NJ 07090	407 BIRCH PL	
907	10		2	MORRISON, NEIL & LORETTO 401 BIRCH PL WESTFIELD, NJ 07090	401 BIRCH PL	

SHORT
COURT
HILLS

SHEET

GLEN
AVENUE

No.

EDGEWOOD

AVENUE

EDGEWOOD

-50'- (unimproved)

149.70'	94.24'
8.01	9
149.11'	94.24'
7.01	10
151.06'	92'
6.01	11
150.77'	92'
5.01	12
150.50'	92'
92.5'	150'
92.06'	150'
91.75'	150'
91.44'	150'
63.44'	150'
62.7'	150'

FOREST

AVENUE

-66'-

PLACE

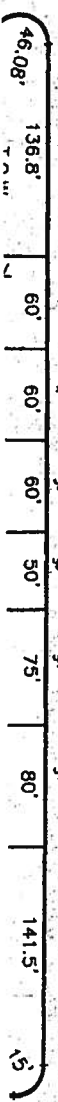
-66'-

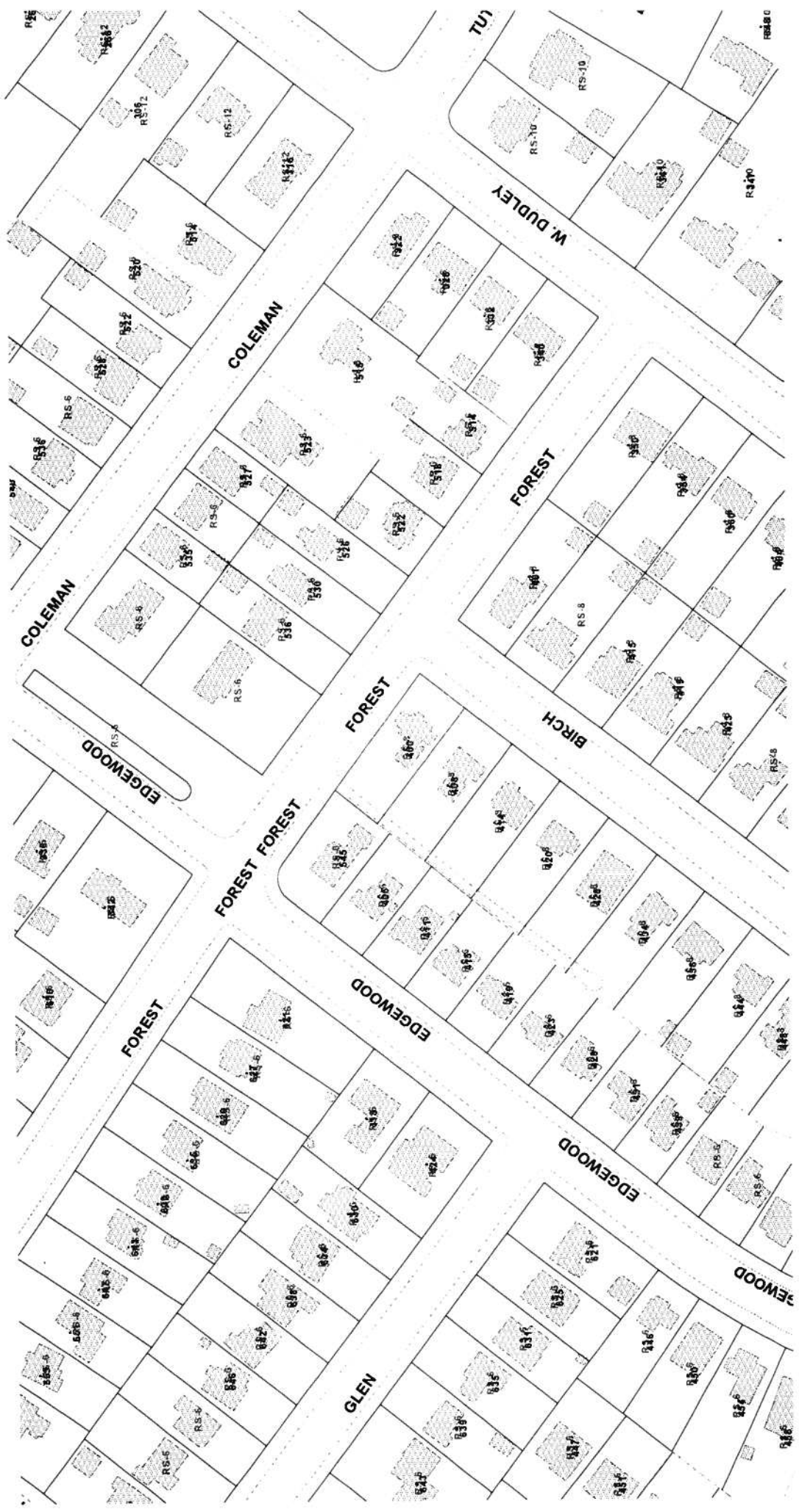
BIRCH

NORTH

5/12/20

DUDLEY





BEING KNOWN AS LOT 16 ON MAP ENTITLED:
"FOREST PARK, WESTFIELD, N.J. DATED MAY 1, 1923"
FILED MAY 25, 1923 AS MAP NO. 96-D.

